

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 4th day of February, 2008 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Vickie Abrego, Council Member
Frank Hametner, Council Member
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Tom Ginter, City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Darrell Jones, Police Chief
Frank Truitt, City Inspector
Don Brummett Acting Public Works Director

OTHERS PRESENT: Ralph & Lu Arcemont, Jeanie Brummett, Pete M. Martinez, Marilyn Rimer/Herald, Margaret Garrett, Jim Garner, Rosemary Vega/Chamber of Commerce, Virgil & Sharon Conner, Jim & Alpha Covington, Phil & Nell Reynold, Cecil Robles, Patty Gilden, Rose Mary Upton, Mark Maroney/Urban Engineering.

There may have been others present who did not sign in.

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on February 4, 2008.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the invocation. Mayor Knight led the pledge of allegiance to the United States flag.

ITEM 3. CONSENT AGENDA: *“All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.”*

- A. Approval of Minutes of January 7 and January 21, 2008.
- B. Consider and Act on Approval of Ordinance 2007-3933 – Granting a Conditional Use Permit for used car sales at 1137 W Wheeler Avenue, City of Aransas Pass, Texas, Subject to conditions set forth.

Mayor Pro Tempore Attaway made the motion to approve the Consent Agenda. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 4. CONSIDERATION, DISCUSSION AND AUTHORIZATION OF REFINANCING THE CITY’S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 1998 TO CAPTURE DEBT SERVICE SAVINGS.

Ryan Cunningham with Southwest Securities gave the Council updated summaries of bonds refunded with attached information and stated he was not sure he could get rates low enough to be in the best interest of the City to refinance the City’s outstanding General Obligation Bonds (Series 1998). He stated they had seen lower interest rates than they had anticipated. He stated \$2,075,000.00 was the outstanding balance the City would be refunding.

Mr. Ryan discussed the escrow requirements, sources and uses of funds, bond debt service, savings from refunding, and the summary of refunding results which at 3% interest rate would save the City \$68,748.94.

Council Member Hametner made the motion to authorize refinancing the City's outstanding General Obligation Bonds, Series 1998 to capture debt service savings. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 5. PUBLIC HEARING ON THE REQUEST OF VIRGIL CONNOR TO REZONE TRACT 1, 3.278 ACRES, TRACT 2, 7.548 ACRES, AND TRACT 3, 3.53 ACRES OF SURVEY 652 TO GENERAL BUSINESS (GB). THE PROPERTY IS NOW ZONED AGRICULTURE (AG).

City Attorney Allen Lawrence declared the Public Hearing open at 7:08p.m. on the request of Virgil Connor to rezone Tract 1, 3.278 acres, Tract 2, 7.548 acres, and Tract 3, 3.53 acres of Survey 652 to General Business. The property is now zoned Agriculture. He stated the Planning and Zoning Commission had previously taken up this matter and voted to take no action. He stated all public notices had been given. The City Attorney asked Vigil Connor to come forward and speak for his request.

Mr. Connor stated he was attempting to build condominiums on the property in the next few years if he could get sewer to the property. He stated he was asking to rezone to General Business because, basically, that was what he was right now.

The City Attorney stated it was his understanding that the property was for sale. He asked Mr. Connor was that right?

Mr. Connor stated there was a "for sale" sign up but he was not really trying to sell the property too hard. He stated he had turned down \$3.2M for the property about four months ago.

The City Attorney asked Mr. Connor did he have plans for the condos he was going to build?

Mr. Connor stated he had some small plans that he had drawn up. He stated once he had the zoning changed he could start working on some financing.

Council Member Hametner asked did Mr. Connor apply for rezoning to Planned Development previously?

Mr. Connor stated the City Manager and City Engineer told him he needed to rezone to General Business.

The City Manager stated rezoning to Planned Zoning would better define the property if Mr. Connor wanted to build condominiums. He stated General Business (zoning) would give the property approximately 150 different uses and that would leave the use wide open.

Mr. Connor stated he would apply for Planned Development or General Business, he did not care, he just wanted to get the process started.

The City Attorney asked Mr. Connor had he applied for a rezone to Planned Development for this property approximately two years before?

Mr. Connor stated no, approximately four or five years ago, just before 9/11 (2001), he was going to extend the park.

The City Attorney stated at that time Mr. Connor had applied to rezone to Planned Development and was asked to bring his plans to the City Inspections Department.

Mr. Connor stated then 9/11 happened and his business died and he forgot about the (RV) park because putting in an RV park would just be wasting his money. Mr. Connors discussed the occupancy rate of his RV park. He stated if he built condos on the property, the City would have a \$50M tax base.

Council Member Hametner stated it would be nice to have the condos out there, but the last time the City approved a development sketched on a piece of paper the City got into trouble. He stated the City would not do that again, proper engineering would be done, proper drainage, proper sewer, proper water lines, etc.

Council Member Mayer stated the Planning and Zoning Commission told Mr. Connor back in 2001 to bring plans back for a rezone to Planned Development because the

Mr. Connor stated he did not remember anyone telling him he needed Planned Development (plans). He stated the last time he went to Planned Development the Planning and Zoning Commission told him the request to rezone would go to the Council and he never went before the Council.

Mr. Connors stated so now he had to go back to Planned Development and asked we are back to that now?

The City Attorney asked were there any further questions from the Council? Hearing none, he asked was there was anyone present to speak against the request. Seeing no one, the City Attorney closed the Public Hearing at 7:15 p.m.

Council Member Hametner made the motion the request of Virgil Connor to rezone Tract 1, 3.278 acres, Tract 2, 7.548 acres, and Tract 3, 3.53 acres of Survey 652 to General Business be denied with the caveat that Mr. Connor come back with a proper plan, as discussed, and present the plan before the Planning and Zoning Commission for a recommendation. Council Member Mayer seconded the motion and the motion carried unanimously.

Mark Maroney with Urban Engineering stated Pump Station No. 3 was a storm water pump station used to pump the water, collected during heavy storms and rainfall, over the levy and into the canal. He stated two 42" corrugated metal discharge pipes run from the pump station to the canal and the pipes had significantly disintegrated and one pipe was completely collapsed and plugged. Showing the Council pictures of the location, Mr. Maroney stated two 30" pipes would handle the flow. He recommended the pipes be replaced and concrete plating be placed on the canal side to protect the discharge site.

The City Manager stated he had contacted the San Patricio Drainage District and the City would receive assistance from the Drainage District for this project.

Terry Orf with TKO Architects stated the three bids received for the renovation and addition to City Hall were \$873,000.00 to \$695,000.00. He stated the lowest bid was over the budgeted cost for the project. He stated he had contacted the low bidder, DS&S Construction, to discuss some options that would cut costs. He stated to lower the cost he removed the Council Chambers from the renovation because the electrical panels and the building's air conditioning and heating units are all in the back of the Council Chambers which are major elements in the renovation. He stated DS&S had come down \$45,000.00 but he thought the reduction should be more. He stated several other changes were discussed with the City Manager to reduce the cost of the project.

Mr. Orf recommended modifying the plans and rebidding the project. He stated the economy was more favorable to rebid. He stated the Council Chambers renovation would be taken out, the tiling in the restrooms reduced, the security system in the addition and paving the parking lot area on the east side of the addition would be done later, to reduce costs. He stated the number of contractors was formerly limited and for the rebidding more contractors would be invited to bid the project.

Council Member Hametner stated the renovation of the Council Chambers should be included in the rebidding.

Mr. Orf stated the renovation of the Council Chambers was a high dollar item and he suggested the Chambers renovation be put in the bid packet as an alternate item.

ITEM 9. PRESENTATION FROM THE ARANSAS PASS YACHT CLUB PERTAINING TO A LEASE AT CONN BROWN HARBOR.

The Council passed on this item. No one was present for the presentation.

ITEM 10. CONSIDER AND ACT ON APPROVING BID FOR TELEPHONE RECORDING SYSTEM FOR THE POLICE DEPARTMENT.

Police Chief Darrell Jones stated his department received two bids: Voice Products for \$35,770.00 and Commercial Electronics for \$20,585.00. Chief Jones recommended the Council approve the bid for \$20,585 from Commercial Electronics.

Council Member Mayer asked Chief Jones was the maintenance included?

Chief Jones stated there was a one year guarantee, then an annual contract would be purchased. He stated a five-year maintenance contract for \$5,000.00 was also available. He stated the maintenance was included with the Voice Products bid, but the bid was still higher than Commercial Electronics bid with the maintenance package.

Council Member Mayer made the motion to approve the bid from Commercial Electronics Corporation for \$20,585.00. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 11. CONSIDER AND ACT ON APPROVING SPECIFICATIONS AND AUTHORIZING STAFF TO SOLICIT BIDS FOR IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT.

After discussion, Council Member Hametner made the motion to approve specifications and authorize staff to solicit bids for improvements to the Wastewater Treatment Plant. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 12. CONSIDER AND ACT ON AUTHORIZING STAFF TO SUBMIT APPLICATION TO BECOME AN AFFILIATE OF "KEEP TEXAS BEAUTIFUL."

The City Manager stated this was a project the City would take the lead on but partner with the Chamber of Commerce. He stated everyone was responsible for keeping the City clean, but if there was a good "Keep Texas Beautiful" affiliate working, it can fill that role with education and having projects on community appearance and beautification. He stated it was important that the City take the lead role. He stated the City would become an affiliate by completing eight steps required. The City would organize a Board and have beautification projects to remain in the program.

Council Member Hametner made the motion to authorize staff to submit application to become an affiliate of "Keep Texas Beautiful." Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 13. CONSIDER AND ACT ON APPROVING DISCUSSION WITH NUECES COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4 BY STAFF PERTAINING TO SEWER SERVICE ALONG THE CAUSEWAY ON HIGHWAY 361.

The City Manager stated he had inquiries about supplying sewer service in the causeway area on Highway 361. He stated this area was in the city limits and under the Nueces County Water Control and Improvement District No. 4 certified area as approved by Texas Commission on Environmental Quality (TCEQ). He stated the area would be developed and public sewer was essential. He stated with Council approval, he would discuss providing public sewer to the causeway area with District No. 4 and if successful, would bring an interlocal agreement to the Council for review and approval. He stated the City could not provide sewer to the area without an agreement with District No. 4.

Discussion followed regarding the Nueces County boundary lines.

Council Member Abrego made the motion to approve discussion with Nueces County Water Control and Improvement District No. 4 by staff pertaining to sewer service along the causeway on Highway 361. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 14. CONSIDER AND ACT ON APPROVING A CONTRACT FOR ELECTION SERVICES WITH SAN PATRICIO COUNTY

After discussion, Council Member Mayer made the motion to approve a contract for Election services with San Patricio County. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 15. CONSIDER AND ACT ON ORDINANCE 2008-3934, CALLING A CHARTER AMENDMENT ELECTION FOR THE 10TH DAY OF MAY, 2008, FOR AMENDMENT OF THE PROVISIONS OF THE CHARTER OF THE CITY OF ARANSAS PASS TEXAS; AND PROVIDING FOR NOTICE OF SAID ELECTION BY PUBLICATIONS; AND PROVIDING FOR THE FORM OF PROPOSED AMENDMENTS TO BE SUBMITTED AT SUCH ELECTION.

After discussion, Mayor Pro Tempore Attaway made the motion to approve Ordinance 2008-3934, calling a Charter Amendment Election for the 10th day of May, 2008, for amendment of the provisions of the Charter of the City of Aransas Pass Texas; and providing for Notice of said Election by publications; and providing for the form of proposed amendments to be submitted at such Election. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 16. CONSIDER AND ACT ON:

(A) CALLING AND APPROVING ORDER OF GENERAL/SPECIAL ELECTION FOR THE CITY OF ARANSAS PASS TO ELECT COUNCIL MEMBERS PLACE 2 AND PLACE 4 AND CHARTER AMENDMENT ELECTION (SPECIAL ELECTION).

(B) APPROVING NOTICE OF GENERAL AND SPECIAL ELECTION FOR MAY 10, 2008.

(C) ORDINANCE 2008-3935 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS PROVIDING DATE AND TIME OF THE 2008 CITY GENERAL/SPECIAL ELECTION TO BE CONDUCTED BY THE SAN PATRICIO COUNTY ELECTION ADMINISTRATION OFFICE; FOR EARLY VOTES CAST ON DIRECT RECORDING ELECTRONIC (DRE) VOTING SYSTEM AND BY PAPER BALLOT, PROVIDING PLACE AND PRECINCT NUMBER WHERE ELECTION IS TO BE HELD, PROVING THE RATE OF PAY PER HOUR FOR JUDGES AND CLERKS, AND PROVIDING DATE AND TIME OF EARLY VOTING.

After discussion, Mayor Pro Tempore Attaway made the motion to (A) approve calling and approve Order of General/Special Election for the City of Aransas Pass to elect Council Members Place 2 and Place 4 and Charter Amendment Election (Special Election); (B) approve Notice of General and Special Election for May 10, 2008; (C) approve Ordinance 2008-3935 providing date and time of the 2008 City General/Special Election to be conducted by the San Patricio County Election Administration Office; for Early Votes cast on Direct Recording Electronic (DRE) Voting System and by paper ballot, providing place and precinct number where Election is to be held, proving the rate of pay per hour for Judges and Clerks, and providing date and time of Early Voting. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 18. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

A. Section 551.074 - Deliberations Regarding personnel – Evaluation of City Manager.

Evaluation was held in Open Meeting at the request of the City Manager.

ITEM 19. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

A. Section 551.074 - Deliberations Regarding personnel – Evaluation of City Manager.

After discussion regarding the City Manager's Memorandum of Agreement, the City Manager's close contact with the City Council and outstanding job performance, Mayor Pro Tempore Attaway made the motion to increase the City Manager's salary 10% and approve the six-month severance pay clause as stated in the City Manager's Memorandum of Agreement executed June 19, 2007. Council Member Mayer seconded the motion and the carried unanimously.

ITEM 17. REPORTS FROM CITY MANAGER AND STAFF AND PUBLIC COMMENTS: *At this time the Mayor, City Council, Staff and Public comments may be given. Reports or updates on any assignments which include but are not limited to grants, building and*

